

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-22 and 26-31 are pending in the application, with claims 1, 6, 10, 16, 26, and 29-31 being the independent claims. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejection under 35 U.S.C. § 101

The Examiner has rejected claims 26-31 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicant notes that each of independent claims 26 and 29-31 recites “a ***tangible*** computer-readable medium,” which excludes the subject matter which is alleged by the Examiner to be non-statutory. It is important that “when evaluating the scope of a claim, ***every limitation in the claim must be considered.***” (M.P.E.P. § 2106). The plain meaning of the term “tangible” excludes “carrier waves,” and this term must be considered by the Examiner.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 26-31 under 35 U.S.C. § 101.

Rejections under 35 U.S.C. § 103

Claims 1-5

The Examiner has rejected claims 1-5 under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 6,292,895 to Baltzley (“Baltzley”), in view of U.S. Patent No. 5,923,754 to Angelo et al. (“Angelo”), in view of U.S. Patent No. 6,603,857 to Batten-Carew et al. (“Batten-Carew”), and further in view of U.S. Patent Application Publication No. 2002/0016922 to Richards et al. (“Richards”). Applicant respectfully traverses this rejection.

Claim 1 recites, *inter alia*, “wherein the ***header includes the document key and access rules*** for the secured electronic file, the access rules for further ***protecting the document key***.” The Examiner has failed to establish a *prima facie* of obviousness with regard to at least this element. Baltzley, Angelo, and Batten-Carew do not teach or suggest, nor does the Examiner rely on these references to allegedly teach or suggest, the aforementioned features of claim 1. Instead, the Examiner relies on Richards as allegedly teaching or suggesting these features, stating:

However, Richards discloses header with document key and access rules (see, Fig. 4 and also 0067), the access rules for further protecting the document key (see, Paragraph 0068, “The “server keyed” element requires the recipient to authenticate itself to the server and request opening of a file. A required key ***will be provided by the secure server***”). (Office Action, p. 7) (Emphasis added)

The “server keyed” element cannot read on the “access rules” of claim 1 based on this behavior. The “server keyed” element of Richards enables the provision of a key by the secure server, and does not “[protect] the document key” “wherein the header includes the document key,” as recited in claim 1.

The Examiner's reading of Richards renders the reference inoperable for the intended teaching or suggestion. The Examiner appears to suggest, to which Applicant does not acquiesce, that the "E_Key" of Richards is equivalent to the "document key" within the header of claim 1. The Examiner further suggests, to which Applicant also does not acquiesce, that the "server keyed" element of Richards is equivalent to the "access rules" of claim 1.

Under the Examiner's interpretation, it is impossible for Richards to teach or suggest, "wherein the *header includes the document key and access rules* for the secured electronic file, the access rules for further *protecting the document key*," as recited in claim 1. Although the "E_Key" of Richards can be found in the header, even assuming, *arguendo*, that it functions as a document key, the "server keyed" element of Richards is not "for further protecting the document key," as recited in claim 1. Instead, Richards uses the "server keyed" element to require authentication, at which point a "required key will be *provided by the secure server*." Clearly this is not the same key which is found in the header of Richards, and therefore cannot be the "document key" of claim 1.

It is clear, therefore, that the "server keyed" element of Richards is not "for further protecting the document key," "wherein the header includes the document key," as recited in claim 1. The "server keyed" element protects some key which is simply not found in the header of Richards.

Accordingly, the combination of Baltzley, Angelo, Batten-Carew, and Richards does not teach or suggest each and every feature of claim 1, and therefore does not render the claim obvious. Claims 2-5 depend from claim 1, and are also not rendered obvious by the combination for at least the same reasons as claim 1, and further in view

of their own respective features. Applicant therefore respectfully requests the reconsideration and withdrawal of the rejection of claims 1-5 under 35 U.S.C. § 103(a).

Claims 6-9 and 26-29

The Examiner has rejected claims 6-9 and 26-29 under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 6,892,306 to En-Seung et al. ("En-Seung"), in view of Richards and Batten-Carew, and further in view of U.S. Patent No. 6,851,050 to Singhal et al. ("Singhal"). Applicant respectfully traverses this rejection.

Claims 6, 26, and 29 recite analogous features to claim 1, using respective language. En-Seung, Batten-Carew, and Singhal do not teach or suggest these features of claims 6, 26, and 29, nor does the Examiner rely on them to allegedly teach or suggest these features. Instead, the Examiner relies on Richards as allegedly teaching these features. (Office Action, p. 12). For similar reasons as discussed above with regard to claim 1, Richards does not supply the missing teaching or suggestion.

Accordingly, the combination of En-Seung, Batten-Carew, Singhal, and Richards does not teach or suggest each and every feature of claims 6, 26, and 29, and therefore do not render the claims obvious. Claims 7-9 depend from claim 6, and claims 27 and 28 depend from claim 26, and are also not rendered obvious by the combination for at least the same reasons as claims 6 and 28, and further in view of their own respective features. Applicant therefore respectfully requests the reconsideration and withdrawal of the rejection of claims 6-9 and 26-29 under 35 U.S.C. § 103(a).

Claims 10-22, 30, and 31

The Examiner has rejected claims 10-22, 30, and 31 under 35 U.S.C. § 103(a) as allegedly being obvious over En-Seung in view Richards and further in view of Batten-Carew. Applicant respectfully traverses this rejection.

Claims 10, 16, 30, and 31 recite analogous features to claim 1, using respective language. En-Seung and Batten-Carew do not teach or suggest these features of claims 10, 16, 30, and 31, nor does the Examiner rely on them to allegedly teach or suggest these features. Instead, the Examiner relies on Richards as allegedly teaching these features. (Office Action, pp. 15 and 18). For similar reasons as discussed above with regard to claim 1, Richards does not supply the missing teaching or suggestion.

Accordingly, the combination of En-Seung, Batten-Carew, and Richards does not teach or suggest each and every feature of claims 10, 16, 30, and 31, and therefore do not render the claims obvious. Claims 11-15 depend from claim 10, and claims 17-22 depend from claim 16, and are also not rendered obvious by the combination for at least the same reasons as claims 10 and 16, and further in view of their own respective features. Applicant therefore respectfully requests the reconsideration and withdrawal of the rejection of claims 10-22, 30, and 31 under 35 U.S.C. § 103(a).

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding

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Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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